

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSJENNIFER MAITRE
Plaintiff(s)

v.

ELI LILLY + COMPANY
Defendant(s)

CIVIL ACTION

NO. 05-10442ORDER OF REFERENCE
FOR
ALTERNATIVE DISPUTE RESOLUTION

After consultation with counsel and after consideration of the various alternative dispute resolution programs (ADR) available, I find this matter appropriate for ADR and accordingly, refer this case to MAG JUDGE BOWLER for the following ADR program:

<input type="checkbox"/> EARLY NEUTRAL EVALUATION	<input checked="" type="checkbox"/> MEDIATION
<input type="checkbox"/> MINI-TRIAL	<input type="checkbox"/> SUMMARY JURY TRIAL
<input type="checkbox"/> SETTLEMENT CONFERENCE	<input type="checkbox"/> SPECIAL MASTER
<input type="checkbox"/> PRIVATE ALTERNATIVE DISPUTE RESOLUTION PROGRAM	

Upon notification of the time and place designated for the proceeding, counsel are directed to be present with their clients or with appropriate settlement authority and to provide any written documentation which may be required for the particular ADR program. If counsel is engaged on trial or has any scheduling conflict and a continuance becomes necessary, the provider of the ADR program and other counsel should be advised of the conflict immediately.

8/22/06
DATE

BY THE COURT,
Lisa Lovett
UNITED STATES DISTRICT JUDGE

CASE CATEGORY

Admiralty	<input type="checkbox"/>	Antitrust	<input type="checkbox"/>
Civil Rights	<input type="checkbox"/>	Contract	<input type="checkbox"/>
Copyright/Trademark/Patent	<input type="checkbox"/>	Environmental	<input type="checkbox"/>
ERISA	<input type="checkbox"/>	FELA	<input type="checkbox"/>
Labor Relations	<input type="checkbox"/>	Medical Malpractice	<input type="checkbox"/>
Personal Injury	<input type="checkbox"/>	Product Liability	<input type="checkbox"/>
Shareholder Dispute	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

CASREF

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10442-JLT**

Maitre v. Eli Lilly and Company
Assigned to: Judge Joseph L. Tauro
Referred to: Magistrate Judge Marianne B. Bowler
Demand: \$2,000,000
Case in other court: US District Court -- District of
Columbia, 03-02631
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 03/09/2005
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Jennifer Maitre
*Individually and as Mother, Guardian,
and Next Friend of CFM a minor*

represented by **Aaron M. Levine**
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V.

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Date Filed	#	Docket Text
03/09/2005	● <u>11</u>	Case transferred in from District of Columbia; Case Number 03-cv-02631 JDB., filed by Eli Lilly and Company.(Abaid, Kim) (Entered: 03/14/2005)
03/09/2005	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Abaid, Kim) (Entered: 03/23/2005)

03/15/2005	● <u>12</u>	US DISTRICT COURT for the District of Columbia Original Record. (Abaid, Kim) (Entered: 03/16/2005)
04/07/2005	● <u>13</u>	NOTICE of Appearance by Sheila Mone on behalf of Jennifer Maitre (Mone, Sheila) (Entered: 04/07/2005)
07/19/2005	● <u>14</u>	NOTICE of Scheduling Conference Scheduling Conference set for 8/2/2005 11:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (Abaid, Kim) (Entered: 07/19/2005)
07/19/2005	● <u>15</u>	Judge Joseph L. Tauro : RULE 26 DISCOVERY ORDER entered. (Abaid, Kim) (Entered: 07/19/2005)
07/26/2005	● <u>16</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by Eli Lilly and Company. (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> Appendix 3)(Henninger, Brian) (Entered: 07/26/2005)
08/01/2005	● <u>17</u>	NOTICE of Appearance by Brian L. Henninger on behalf of Eli Lilly and Company (Henninger, Brian) (Entered: 08/01/2005)
08/01/2005	● <u>18</u>	NOTICE of Appearance by James J. Dillon on behalf of Eli Lilly and Company (Dillon, James) (Entered: 08/01/2005)
08/08/2005	● <u>20</u>	EXHIBIT - Proposed List of Deponents by Jennifer Maitre. (Abaid, Kim) (Entered: 08/15/2005)
08/10/2005	● <u>19</u>	Judge Joseph L. Tauro : ORDER entered re: DISCOVERY. All discovery shall be completed by February 2, 2006. Dispositive motions shall be filed by March 6, 2006. A Further Conference is scheduled for April 4, 2006 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro.(Abaid, Kim) (Entered: 08/11/2005)
08/11/2005	● <u>21</u>	EXHIBIT - Proposed List of Deponents by Eli Lilly and Company. (Abaid, Kim) (Entered: 08/15/2005)
12/19/2005	● <u>22</u>	NOTICE of Appearance by Juliet A. Davison on behalf of Jennifer Maitre (Davison, Juliet) (Entered: 12/19/2005)
12/19/2005	● <u>23</u>	NOTICE of Appearance by Erica Tennyson on behalf of Jennifer Maitre (Tennyson, Erica) (Entered: 12/19/2005)
01/11/2006	● <u>24</u>	MOTION for Leave to Appear Pro Hac Vice by Aaron M. Levine by Jennifer Maitre. (Attachments: # <u>1</u> Affidavit of Aaron M. Levine in Support of Motion to Admit Pro Hac Vice)(Tennyson, Erica) (Entered: 01/11/2006)
01/17/2006	●	Filing fee: \$ 50.00, receipt number 69600 regarding <u>24</u> Motion for Pro Hac Vice (Abaid, Kim) (Entered: 01/17/2006)
01/17/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>24</u> Motion for Leave to Appear Pro Hac Vice Added Aaron M. Levine for Jennifer Maitre (Abaid, Kim) (Entered: 01/17/2006)

01/24/2006	● <u>25</u>	First MOTION to Withdraw as Attorney by Jennifer Maitre.(Levine, Kenneth) (Entered: 01/24/2006)
01/30/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>25</u> Motion to Withdraw as Attorney. (Abaid, Kim) (Entered: 01/31/2006)
03/01/2006	● <u>26</u>	Consent MOTION to Amend <u>19</u> Scheduling Order, <i>Supplement Expert Disclosures, Re-Open Discovery</i> by Jennifer Maitre. (Attachments: # <u>1</u>)(Tennyson, Erica) (Entered: 03/01/2006)
03/02/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>26</u> Motion to Amend (Abaid, Kim) (Entered: 03/06/2006)
03/02/2006	● <u>27</u>	Judge Joseph L. Tauro : ORDER entered. SCHEDULING ORDER: Discovery to be completed by 5/16/2006. Motions due by 6/15/2006.(Abaid, Kim) (Entered: 03/06/2006)
03/16/2006	●	ELECTRONIC NOTICE of Hearing:Case Management Conference set for 6/22/2006 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 03/16/2006)
06/15/2006	● <u>28</u>	STIPULATION of Dismissal <i>With Prejudice</i> by Jennifer Maitre. (Tennyson, Erica) (Entered: 06/15/2006)
06/15/2006	● <u>29</u>	MOTION for Summary Judgment by Eli Lilly and Company. (Attachments: # (1) Affidavit of Brian L. Henninger in Support of Motion for Summary Judgment# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3)(Henninger, Brian) Modified on 6/16/2006 (Abaid, Kim). (Entered: 06/15/2006)
06/15/2006	● <u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION for Summary Judgment filed by Eli Lilly and Company. (Abaid, Kim) Additional attachment(s) added on 6/16/2006 (Abaid, Kim). (Entered: 06/16/2006)
06/15/2006	●	Notice of correction to docket made by Court staff. Correction: Docket Entry 29 corrected because: Memorandum in Support of the Motion was filed as an attachment to the motion. Removed memorandum and filed as a separate document. (Abaid, Kim) (Entered: 06/16/2006)
06/15/2006	● <u>32</u>	Judge Joseph L. Tauro : ENDORSEMENT re <u>28</u> Stipulation of Dismissal filed by Jennifer Maitre, (Abaid, Kim) Modified on 6/22/2006 (Abaid, Kim). (Entered: 06/21/2006)
06/19/2006	● <u>31</u>	Consent MOTION for Extension of Time to July 28, 2006 to File Response/Reply as to <u>29</u> MOTION for Summary Judgment by Jennifer Maitre. (Attachments: # <u>1</u> Proposed Order)(Tennyson, Erica) (Entered: 06/19/2006)
06/21/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>31</u> Motion for Extension of Time to File Response/Reply re <u>31</u> Consent MOTION for Extension of Time to July 28, 2006 to File Response as to <u>29</u> MOTION for Summary Judgment Responses due by 7/28/2006 Replies due by 8/11/2006. (Lovett, Zita) (Entered: 06/21/2006)

06/21/2006	●	ELECTRONIC NOTICE Cancelling Hearing. Hearing cancelled: 6/22/2006 (Lovett, Zita) (Entered: 06/21/2006)
07/28/2006	● <u>33</u>	Opposition re <u>29</u> MOTION for Summary Judgment filed by Jennifer Maitre. (Tennyson, Erica) (Entered: 07/28/2006)
07/28/2006	● <u>34</u>	MEMORANDUM in Opposition re <u>29</u> MOTION for Summary Judgment filed by Jennifer Maitre. (Tennyson, Erica) (Entered: 07/28/2006)
07/28/2006	● <u>35</u>	AFFIDAVIT of Aaron M. Levine, Esq. re <u>34</u> Memorandum in Opposition to Motion <i>Authenticating Documents</i> by Jennifer Maitre. (Tennyson, Erica) (Entered: 07/28/2006)
07/28/2006	● <u>36</u>	NOTICE by Jennifer Maitre re <u>35</u> Affidavit <i>Notice of Manual Filing of Appendices</i> (Tennyson, Erica) (Entered: 07/28/2006)
07/28/2006	● <u>37</u>	EXHIBIT 1 re <u>35</u> Affidavit of Aaron Levine <i>Authenticating Documents</i> by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>38</u>	EXHIBIT 2 Part 1 re <u>35</u> Affidavit of Aaron Levine <i>Authenticating Documents</i> by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>39</u>	EXHIBIT 2 Part 2 re <u>35</u> Affidavit of Aaron Levine <i>Authenticating Documents</i> by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>40</u>	EXHIBIT 3 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>41</u>	EXHIBIT 4 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>42</u>	EXHIBIT 5 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>43</u>	EXHIBIT 6 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>44</u>	EXHIBIT 7 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)

07/28/2006	● <u>45</u>	EXHIBIT 8 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>46</u>	EXHIBIT 9 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>47</u>	EXHIBIT 10 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>48</u>	EXHIBIT 11 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>49</u>	EXHIBIT 12 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>50</u>	EXHIBIT 13 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>51</u>	EXHIBIT 14 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>52</u>	EXHIBIT 15 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>53</u>	EXHIBIT 16 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>54</u>	EXHIBIT 17 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>55</u>	EXHIBIT 18 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>56</u>	EXHIBIT 19 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>57</u>	EXHIBIT 20 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)

07/28/2006	● <u>58</u>	EXHIBIT 21 re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Additional attachment(s) added on 7/31/2006 (Abaid, Kim). Modified on 7/31/2006 (Abaid, Kim). (Entered: 07/28/2006)
07/28/2006	● <u>59</u>	EXHIBIT re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Modified on 7/31/2006 (Abaid, Kim). *** Document was filed as part of exhibit 2, see docket entry <u>36</u> for full image of exhibit 2. *** (Entered: 07/28/2006)
07/28/2006	● <u>60</u>	EXHIBIT re <u>35</u> Affidavit of Aaron M. Levine by Jennifer Maitre. (Tennyson, Erica) Modified on 7/31/2006 (Abaid, Kim). *** Document was filed as part of exhibit 2, see docket entry <u>36</u> for full image of exhibit 2. *** (Entered: 07/28/2006)
07/31/2006	●	Notice of correction to docket made by Court staff. Correction: Docket Entries 35 - 60 corrected because: Documents were not in numerical order. Replaced documents and corrected docket entry text to reflect the images attached. (Abaid, Kim) (Entered: 07/31/2006)
08/08/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered denying <u>29</u> Motion for Summary Judgment (Abaid, Kim) (Entered: 08/09/2006)
08/16/2006	● <u>61</u>	Joint MOTION Refer Case to Magistrate Judge <i>Marianne B. Bowler for Mediation</i> by Jennifer Maitre. (Attachments: # <u>1</u> Proposed Order)(Tennyson, Erica) (Entered: 08/16/2006)
08/16/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>61</u> Motion to Refer Case to Magistrate Judge Bowler for Mediation (Abaid, Kim) (Entered: 08/16/2006)
08/16/2006	● <u>62</u>	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: Mediation(Abaid, Kim) (Entered: 08/16/2006)
08/18/2006	● <u>63</u>	NOTICE of ADR Conference. Mediation Hearing set for 10/19/2006 at 10:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. All PARTIES are REQUIRED to attend and must have full binding settlement authority, leave of court is REQUIRED for any exceptions. All confidential mediation briefs are REQUIRED to be submitted to the court VIA FACSIMILE at (617) 204-5833 at least TWO BUSINESS DAYS prior to the hearing. (Duffy, Marc) (Entered: 08/18/2006)